

REMARKS

Claims 1-5 and 7-10 are all the claims pending in the application. Reconsideration of the application and allowance of all claims are respectfully requested.

Regarding the rejection of claims 9 and 10 for lack of support in the specification, the attention of the examiner is directed to paragraph [0039] of the published specification, the fifth paragraph from the end of the specification, which recited:

[0039] With the solution of the invention, because of the separation of the physical media that can be used to convey data on the various channels made available, the signaling channel concept loses its dedicated character, in favor of a more functional concept. Thus it would even be feasible to use one of the four B channels of Access 1 as a signaling channel replacing the signaling channel 5 of the same access. In the future Access A 1 and Access A 2 will be "hybrid" in the sense that the various channels will no longer be supported by the same physical media.

Thus, the use of a B channel from the second access as a signaling channel when necessary is in fact disclosed in the specification as originally filed, and withdrawal of the Section 112 rejection is respectfully requested.

As to the rejection based on Kobayashi, the examiner refers to lines 15-32 of column 11, but it appears the examiner has misread that passage. As explained at lines 4-8 of column 11, the ATM switch normally establishes a common signaling channel through the cable 30a. Lines 9-22 of column 11 then describe that if the capacity of the signaling channel needs to be increased, it will be increased within the cable 30a if there is enough capacity in the cable 30a to do so. If there is not sufficient capacity in the cable 30a to increase the common signaling channel, then the common signaling channel will be expanded onto the cable 30b. Thus, there are not two

separate signaling channels and a choice made between them, but a single signaling channel that may in some circumstances be located on two different cables.

In this context, the alleged teaching of Kato to prioritize signaling channels would not lead to the invention claimed. Kobayashi does not have plural common signaling channels, but only a single channel with space reserved for growth. The reserved growth space on the cable 30b can never be used in place of the common signaling channel on cable 30a.

Thus, even if one of skill in the art were to consider Kobayashi and Kato, there is nothing that would have suggested having two different common signaling channels, one on the cable 30a and the other on the cable 30b, with the ability to choose between them according to a priority. This only becomes apparent through hindsight in an attempt to satisfy the language of the present claims.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

Respectfully submitted,

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